

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jeffrey Allen Stoltz,

Civil No. 13cv00869 ADM/JJK

Plaintiff,

v.

ORDER

Minnesota, State of, et al.,

Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated May 15, 2013. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Plaintiff's application for leave to proceed in forma pauperis, (Docket No. 3), is **DENIED**;

2. Plaintiff's motion for an order directing the Marshal to serve the named Defendants, (Docket No. 2), is **DENIED**; and

3. This action is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 10, 2013

s/Ann D. Montgomery

ANN D. MONTGOMERY
United States District Judge